

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER NOMI.10290WOUS
INTERNATIONAL APPLICATION NO. PCT/US2004/043097	INTERNATIONAL FILING DATE December 17, 2004	U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/582,695
TITLE OF INVENTION COMPOSITIONS AND METHODS FOR... USING A BIOACTIVE GLASS CONTAINING DENTIFRICE		PRIORITY DATE CLAIMED December 19, 2003
APPLICANT(S) FOR DO/EO/US David C. GREENSPAN, Guy LaTORRE, Leonard J. LITKOWSKI, and Gary D. HACK		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.		
2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.		
3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.		
4. <input type="checkbox"/> The US has been elected (Article 31).		
5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))		
a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).		
b. <input type="checkbox"/> has been communicated by the International Bureau.		
c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).		
6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).		
a. <input type="checkbox"/> is attached hereto.		
b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).		
7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))		
a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).		
b. <input type="checkbox"/> have been communicated by the International Bureau.		
c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.		
d. <input type="checkbox"/> have not been made and will not be made.		
8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).		
9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).		
10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).		
Items 11 to 20 below concern document(s) or information included:		
11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.		
12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.		
13. <input type="checkbox"/> A preliminary amendment.		
14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.		
15. <input type="checkbox"/> A substitute specification.		
16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter.		
17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.		
18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).		
19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/582,695		INTERNATIONAL APPLICATION NO. PCT/US2004/043097		ATTORNEY'S DOCKET NUMBER NOMI.10290WOUS	
20. Other items or information: Copy of Notification of Missing Requirements; copy of International Search Report and Written Opinion of the ISA; and copy of International Preliminary Report on Patentability and Written Opinion of the ISA/US; Letter Regarding Missing Requirements of Search/Exam Fees					
The following fees have been submitted				CALCULATIONS PTO USE ONLY	
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300				\$	
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))				\$	
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 All other situations..... \$200				\$	
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400 All other situations..... \$500				\$	
TOTAL OF 21, 22 and 23 =					
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250	\$	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$ 130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	34 - 20 =		x \$ 50	\$	
Independent claims	6 - 3 =		x \$200	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$	
TOTAL OF ABOVE CALCULATIONS =				\$	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.					
SUBTOTAL =				\$ 130.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
TOTAL NATIONAL FEE =				\$ 130.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
TOTAL FEES ENCLOSED =				\$ 130.00	
03/21/2007 MKAYDASH 00000112 503218 10582695				Amount to be refunded:	\$
01 FC:1617 130.00 DA				Amount to be charged	\$

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 50-3218 in the amount of \$ 130.00 to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-3218. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Hutchison Law Group PLLC
P.O. Box 31686
Raleigh, North Carolina 27612
(919) 829-9600

Mary B. Grant

SIGNATURE

Mary B. Grant

Date: 3/21/2007

NAME

32,176

(PCT/US2004/043097)

REGISTRATION NUMBER

I hereby certify that the application/correspondence attached hereto is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No. EV 835 059 989 USDate of Deposit: 03/21/2007

Cynthia Wilder
Cynthia Wilder



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/582,695	David Greenspan	NOMI.10290WOUS

INTERNATIONAL APPLICATION NO.

PCT/US04/43097

I.A. FILING DATE	PRIORITY DATE
12/17/2004	12/19/2003

45473
HUTCHISON LAW GROUP PLLC
PO BOX 31686
RALEIGH, NC 27612

RECEIVED

FEB 26 2007

Hutchison Law Group

CONFIRMATION NO. 6560

371 FORMALITIES LETTER



OC000000022550133

Date Mailed: 02/22/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/13/2006
- Copy of the International Search Report filed on 06/13/2006
- Preliminary Amendments filed on 06/13/2006
- Information Disclosure Statements filed on 06/13/2006
- Oath or Declaration filed on 06/13/2006
- U.S. Basic National Fees filed on 06/13/2006
- Priority Documents filed on 06/13/2006
- Specification filed on 06/13/2006
- Claims filed on 06/13/2006
- Abstracts filed on 06/13/2006

DOCKETED
Response Due ~~2/26/07~~
4/22/07 *dm*

JS

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$430** for a Large Entity:

- **\$130 Surcharge.**
 - The application search fee has not been paid. Applicant must submit **\$100** to complete the search fee. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.
 - The application examination fee has not been paid. Applicant must submit **\$200** to complete the examination fee for a non-small entity. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

FREDERICK SMITH

Telephone: (703) 308-9140 EXT 210

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/582,695	PCT/US04/43097	NOMI.10290WOUS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): David GREENSPAN et al.

Mail Stop: PCT

International Application No.: PCT/US2004/043097

U.S. Application No.: 10/582,695

International Filing Date: December 17, 2004

Title: Compositions and Methods for Preventing or
Reducing Plaque and/or Gingivitis Using a
Bioactive Glass Containing Dentifrice

**LETTER REGARDING
MISSING REQUIREMENTS OF
SEARCH AND/OR EXAMINATION FEES**

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Notification of Missing Requirements dated February 22, 2007 indicates that the application search fee and the application examination fee have not been paid in connection with the above-identified application. As set forth in 37 C.F.R. § 1.492(c)(1) and the PTO-1390 form, if the Written Opinion on the International application prepared by the ISA/US indicates all claims satisfy provisions of PCT Article 33 (1)-(4), the amount owed for the examination fee is \$0. Likewise, under 37 C.F.R. § 1.492(b)(1), if the Written Opinion prepared by the ISA/US indicates all claims satisfy provisions of PCT Article 33 (1)-(4), the amount owed for the search fee is \$0.

Applicants provided copies of the Written Opinion upon filing the National Stage Application in the United States on June 13, 2006. As shown therein, the present application satisfied the provisions of PCT Article 33 (1)-(4). As such, it is believed that no search or examination fees are currently due. Copies of the International Search Report, Written Opinion of the ISA and the International Preliminary Report on Patentability which issued in International Application No. PCT/US2004/043097 upon which the present application is based are enclosed.

It is believed that no search or examination fees are currently due. However, in the event that this is in error, the Director is hereby authorized to charge any appropriate fees that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-3218. This paper is submitted in duplicate.

Respectfully submitted,

HUTCHISON LAW GROUP PLLC

Date: March 21, 2007

By: Mary B. Grant
Mary B. Grant
Registration No. 32,176

P.O. Box 31686
Raleigh, NC 27612
+1.919.829.9600

I hereby certify that the application/correspondence attached hereto is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No. EV 835 059 989 US

Date of Deposit: 03/21/2007

Cynthia Wilder

(Typed Name of Person Signing Certificate)

Cynthia Wilder

(Signature of Person Signing Certificate)

Date of Signing: 03/21/2007